

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: Aqueous Film Forming Foams
(AFFF) Products Liability Litigation**

) **MDL No. 2873**
)
) **This document relates to:**
)
) ***Crayton, et al. v. 3M Co., Inc. et al.***
) **No. 2:24-cv-07058-RMG**
)
) ***Smith et al. v. 3M Co., Inc., et al.***
) **No. 2:24-cv-7059-RMG**
)
) ***Shook, et al v. 3M Co., Inc., et al***
) **No. 2:24-cv-07060-RMG**
)
) ***Martin, et al v. 3M Co., Inc. et al.***
) **No. 2:24-cv-07379-RMG**
)
) ***Sandlin, et al v. 3M Co., Inc. et al.***
) **No. 2:24-cv-07380-RMG**

PLAINTIFFS' NOTICE OF PENDING MOTIONS TO REMAND

Plaintiffs Eva Crayton, Kendrick L. Langham, Wanda Saunders, Brenetta Vinson, Tanya Puryear, Sheila Langham, Tonya Mitchell, Shawn Lynch, Callie Mayes, Stacie Payne, Andrew Smith, Jamie L. Frick, William H. Gargis, Victor Juarez, Jamie Barber, Erica Shook, Farrell Sutton, David Johnson, John Grasty, Barry Schonebaum, Travis Smith, Bessie Townsend, Faith Clardy, Robert A. Defour, Mary Stovall-Cochran, Alan Fuller, Jr., Emily Carden, Christina Martin, Annie Fitzgerald, Abigail Vest, Doris J. Hovater, Misty Sandlin, Tyrone Bowling, Derrick D. Wiggins, Lillian T. Langham, Geadie F. Suggs, Shirley C. Allen, Theresa Clemons, Cinnoman Keller, Chuntelle Sanford, Burt Puryear, Cleophis McClean, Freida Harris-Calloway, Megan Swanson, Valerie Martin-Kelley, Matthew Vest, Tamela Hampton, Allison Burk, and S.M., a minor through her mother and next friend, Megan McDonald (collectively, "Plaintiffs"), sued Defendants 3M Company, Inc., Toray Fluorofibers (America), Inc., and Daiken America,

Inc. (collectively, “Defendants”) in an Alabama state court and alleged that they developed illnesses because Defendants contaminated local water supplies with PFAS chemicals. Plaintiffs expressly disclaimed any injury from AFFF. 3M removed under the Federal Officer Removal Statute, 28 U.S.C. § 1442(a)(1) (“Section 1442(a)(1)”). 3M says that it can take advantage of that removal statute because it would raise the federal contractor defense in response to claims—that Plaintiffs expressly disavowed—for AFFF-related injuries. This Court has already rejected this removal ploy. *See South Carolina v. 3M Co.*, No. 2:23-cv-05979, D.E. 13 at *4-*5 (D.S.C. Feb. 29, 2024) (Gergel, J.) (holding that 3M cannot cite its production of AFFF as grounds for removal under Section 1442(a)(1) when the plaintiff expressly disclaimed any injury from AFFF).

Plaintiffs filed motions to remand in the Northern District of Alabama. *See Crayton* D.E. 8 (filed Nov. 15, 2024); *Smith* D.E. 8 (filed Nov. 15, 2024); *Shook* D.E. 7 (filed Nov. 14, 2024); *Martin* D.E. 10 (filed Dec. 4, 2024); *Sandlin* D.E. 10 (filed Dec. 4, 2024).¹ The JPML transferred these actions to this Court before the Alabama federal court ruled on those motions. Plaintiffs request that this Court grant their motions to remand.

Pursuant to Local Rule 7.02, Plaintiffs’ counsel conferred with counsel for 3M, who indicated that it opposes Plaintiffs’ motions to remand.

Respectfully submitted this 30th day of December 2024.

/s/ Christopher S. Randolph, Jr.
Christopher S. Randolph, Jr.
Attorney for Plaintiffs

¹ The issues presented in the motion to remand this action are virtually the same as the issues presented in the motions to remand that are the subject of Notices of Pending Motions to Remand that Plaintiffs’ counsel previously filed. *See MDL D.E. 5771, 6323.*

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CERTIFICATE OF SERVICE

On December 30, 2024, the foregoing was electronically filed with the Clerk of the Court through the CM/ECF system, which will provide service to all counsel of record.

/s/ Christopher S. Randolph, Jr.
Christopher S. Randolph, Jr.
Attorney for Plaintiffs